IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

WP(C).No. 33879 of 2006(G)

OA.189/2001 of DEBT RECOVERY TRIBUNAL, ERNAKULAM

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PETITIONER:

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1. T.K.VISWAN, AGED 47 YEARS,
   S/O.RAMOOTTY, THEKKEKOODAMCHALIL,
   SAIMANTHIKAM, KAKKODI P.O.,
   KOZHIKODE.

2. SMT.C.MALATHY,
   W/O.T.K.VISWAN, THEKKEKOODAMCHALIL,
   KAKKODI P.O., KOZHIKODE-673 611.

BY ADV. SRI.K.K.JAYARAJ NAMBIAR

RESPONDENTS:

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1. THE FEDERAL BANK LTD.,
   KOZHIKODE BRANCH, CHEROOTY ROAD,
   KOZHIKODE - 736 032.

2. SHRI.M.BIJU, S/O.KUNHI KRISHNAN NAIR T.,
   KALLANGIRILAL HOUSE, PADINHATTUMURI P.O.,
   KAKKODI, KOZHIKODE-673 611.

R1 BY ADV. SRI.MOHAN JACOB GEORGE
SMT.P.V.PARVATHI
SMT.REENA THOMAS
SRI.TITUS THOMAS
SRI.L.RAM MOHAN

R2 BY ADV. SMT.MAIMOONA BADSHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 33879 OF 2006

Dated this the 31st day of May, 2007

JUDGMENT

Since this Writ Petition is filed during the pendency of appeal against recovery officer's order before the DRT, W.P. has become infructuous because appeal filed by the petitioners was disposed of by the DRT on 17.4.2005. W.P. is accordingly dismissed as infructuous, leaving freedom to the petitioners to challenge the DRT's order in appeal or otherwise. Consequently the interim order stands vacated.

(C.N.RAMACHANDRAN NAIR)
Judge